



PPG Industries, Inc

4325 Rosanna Drive Allison Park, Pennsylvania 15101 USA

Thomas J. Ebbert
Manager, Remediation

Telephone: (412) 492-5478
FAX: (412) 492-5377

June 14, 2012

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

William J. Reilly, Esquire
Office of Regional Counsel
U. S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, NY 10007-1866

JUN 19 2012
RECEIVED

RE: Riverside Avenue Site, Newark, New Jersey
Response to March 6, 2012 Supplemental Request for Information
Pursuant to CERCLA

Dear Mr. Reilly:

PPG submits this response to EPA's March 6, 2012 Request for Information regarding "the real property and buildings numbered 7/8 and 12" of PPG's former paint manufacturing facility located at 29 Riverside Avenue, Newark, Essex County, New Jersey ("the Site"). PPG also wishes to formally acknowledge the extension of time you granted to PPG to provide this response.

As a preliminary matter, PPG objects to the request for information insofar as it exceeds EPA's statutory authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). PPG also objects to the Request to the extent it seeks information that is not relevant to the release of hazardous substances at the Site or is otherwise unreasonable or indefinite. PPG purchased the referenced property through a predecessor entity more than 100 years ago. PPG sold the property in 1971 and has had no further involvement in plant operations since that time. According to information that the Agency has provided to PPG, a minimum of 12 entities have occupied the property via ownership or leasing arrangements and a multitude of industrial operations have been conducted since that time. Insofar as EPA seeks information concerning ongoing operations or the present conditions of the Site, those inquiries should be directed to the current owner/operator or entities that have utilized the Site since PPG discontinued operations there.

In addition, in 1996 PPG provided a thorough response to a previous EPA request for information directed at the full facility/property located at 29 Riverside Avenue, Newark. On October 4, 2010, PPG provided a thorough response to another Section 104(e) request limited to the Site, as supplemented in the August 31, 2011 letter of Peter T. Stinson, Esquire. PPG objects to the current request insofar as it is duplicative, and

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generally refers the Agency to its prior submissions as part of this response. PPG further objects to this request insofar as it seeks information that is protected from disclosure under the work-product doctrine and/or the attorney-client or other applicable privilege.

Subject to and without waiver of these objections, PPG submits this response to the specific questions contained in the March 6, 2012 request, as they pertain to the Site.

SUPPLEMENTAL REQUEST FOR INFORMATION

1. In your October 4, 2010 response to Question 6.b. of EPA's July 1, 2010 Request for Information, you state that PPG has no information specifying which "raw materials were used at the Site, where they were used, the time frame(s) they were used, and the quantities of each raw material used." A list of varnish raw materials used by PPG was provided in "Milwaukee & Newark Raw Material Code Book, 1931." However in PPG's August 31, 2011 response to EPA's Good Faith Letter, you state a variety of additional compounds, not typically used in paint/varnish manufacturing processes, have also been detected in the recent testing. This includes samples collected from the pigment hoppers located in Building 12 as well as the ASTs and process lines located in Building 7.

- a. Identify each additional compound(s), referenced in your August 31, 2011 letter, which was not typically used in paint/varnish manufacturing process at the Site.

RESPONSE: PPG's August 31, 2011 letter was directed in response to EPA's draft Settlement Agreement and Order on Consent ("AOC") and July 7, 2011 Request for Good Faith Offer Letter. The proposed findings from the AOC purport to identify the following chemicals at the referenced locations at the Site:

- 1) Building 7 ASTs (acetone, xylene, and methylene chloride);
- 2) Building 7 process lines (methylene chloride, toluene, xylene, methylcyclohexane, ethylbenzene, and isopropyl benzene);
- 3) Building 7 basement soil (methylene chloride, m,p-xylene, bromoform);
- 4) Building 12 pigment hoppers (acetone, methyl acetate, methylene chloride, toluene, di-n-butyl phthalate, bis (2-ethylehexyl) phthalate, and m,p,xylene);
- 5) Building 7 sub-basement liquids/sludge/soil (multiple VOCs and SVOCs including toluene, acetone, methylene chloride, trichloroethane, ethylbenzene, as well as pesticides such as alpha-BHC and gamma chlordane); and
- 6) USTs near Building 12 (benzene, ethylbenzene, toluene, xylene, and 2-butanone).

With respect to Building 7, PPG has no additional information specifying which chemicals were used in manufacturing varnish. General reference materials, however, have identified white spirits, mineral turpentine and power kerosene as

the primary solvents used in varnish manufacture, along with, as necessary, occasional minor amounts of aromatics (toluene, xylene, naphthas). See *generally Surface Coatings – Raw Materials and Their Usage* (Oil and Colour Chemists Association, Australia, 2nd Ed., Vol. 1). This description would not include substances such as acetone, methylene chloride, methylcyclohexane, bromoform, 1,3-dichlorobenzene, 1,2,4-trichlorobenzene, 1,2,3-trichlorobenzene, 2-methylphenol, methyl acetate, trichloroethane, or alpha-BHC and gamma chlordane, all of which were reportedly detected in the ASTs, process lines, basement soil and/or sub-basement liquids/sludges/soils in Building 7.

With respect to Building 12, pigment hoppers generally refer to equipment used to feed dry/solid pigments into a process to be mixed with resins, solvents and other materials in making paint. These dry/solid pigment materials would not include acetone, methyl acetate, methylene chloride, toluene, di-n-butyl phthalate, bis(2-ethylehxy)phthalate or m,p,xylene, all of which were reportedly detected in the pigment hoppers.

- b. Provide a list of raw materials used by PPG after 1931 in the paint manufacturing process and in the varnish manufacturing process at the Site.

RESPONSE: As described in its previous 104(e) submissions, PPG has been unable to definitively ascertain whether buildings #8 and 12 were paint (or varnish) manufacturing buildings, or which specific products, if any, were processed there. As further described in those submissions, PPG does not have a specific list of raw materials used for varnish manufacturing in building #7. A list of varnish materials generally used by PPG, however, was included in PPG's October 4, 2010 104(e) submission. See Bates page numbers PPGNWK00117-00120. By way of further response, see PPG's October 4, 2010 104(e) Response, No. 6.

- 2. In your October 4, 2010 response to Question 9.d. of EPA's July 1, 2010 Request for Information, you state that throughout the nearly seventy-year operating history of PPG at the Site, a number of persons had responsibility for the handling of wastes at the Site, including former PPG employees Willie Moore and Edward J. Clark.
 - a. Please identify all PPG employees who, from 1950 to 1971, worked in Building 7, 8, and/or 12 at the Site or who were otherwise involved in the manufacture of paint and/or varnish at the Site;
 - b. Please identify every PPG employee who was involved in the handling, treatment, storage, removal, and/or disposal of any waste produced in the manufacture of paint and/or varnish at the Site at any time from 1950 to 1971.

For each person identified in 2.a and 2.b. above, please provide the person's full name, his/her last known address and/or telephone number, and his/her title and year(s) of employment with PPG.

RESPONSE: PPG objects to this request as unreasonable, unduly burdensome and duplicative. See EPA's 1996 and July 1, 2010 104(e) requests, Nos. 4)c) and 9.d), respectively. Notwithstanding these objections, PPG has devoted significant resources in an effort to identify former employees who worked at the Newark Plant and then determine whether they possess relevant information concerning the Site. PPG has confirmed that the vast majority of the former Newark plant employees who may have had knowledge concerning these topics, including Mr. Clark, are deceased. However, PPG believes the following additional individuals may have some knowledge concerning the referenced locations/activities:

1. Salvatore Valvano - 7627 Tullymore Drive, Dublin, Ohio, 43016; Accounting Director – Director RM Supply; 1947-1971.
2. Thomas Risch - 224 Norman Drive, Cranberry Township, PA, 16066; Process Engineer; 1960-1962.

PPG requests that any attempt to contact these individuals be made through counsel.

3. In your October 4, 2010 response to Question 10 of EPA's July 1, 2010 Request for Information you state PPG's [sic] does not know the condition or contents of the underground storage tanks ("USTs") at the Site, let alone whether they were still in existence, at the time it left the Newark facility in 1971. However, in PPG's August 31, 2011 response to EPA's Good Faith Letter, you provided documentation regarding an inquiry in 1990 of the UST contents made by a contractor hired by a subsequent owner to decommission the USTs located outside Building 12. EPA requests pursuant to Section 104(e) of CERCLA that you supplement your response of October 4, 2010 and provide any additional information which PPG discovered or came into the possession of since October 4, 2010 regarding the contents of the USTs, investigation of the USTs or the soil surrounding the USTs, condition of the USTs when PPG left the facility and decommissioning of the USTs [sic].

RESPONSE: Not applicable. PPG discovered or came into possession of no such additional information (aside from its August 31, 2011 supplemental submission).

4. Identify each individual who assisted or was consulted or who answered on behalf of the company in the preparation of its response to this Request for

Information and specify the question with which each person assisted in responding.

RESPONSE: Thomas J. Ebbert, Manager, Remediation, and counsel (Peter Stinson, Jonathan Henry, Gregory Thomas, Karol Corbin Walker).

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'T. Ebbert', is written over a horizontal line.

Thomas J. Ebbert
Manager, Remediation

cc: Ms. Marissa Truono
Peter T. Stinson, Esq.



Thomas J. Ebert

PPG Industries

PPG Industries, Inc.
4325 Rosanna Drive
Allison Park, Pennsylvania 15101 USA

RETURN SERVICE REQUESTED



**William J. Reilly, Esquire
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, NY 10007-1866**



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